Reg. No. B.G. 202.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2.C(ii)

BANGALORE, FRIDAY, OCTOBER 29, 1965
(KARTHIKA 7, SAKA ERA 1887). | No. 207

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

ORDER.

Bangalore, dated 29th October 1965.

S.O. 3375.—WHEREAS in Notice No. PLM 37 TAO 65, dated the 20th May 1965 issued to the President, Navalgund town Municipal Council, Navalgund, Dharwar District, under the proviso to sub-section (1) of Section 316 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), the said Navalgund Town Municipal Council was asked to show cause why it should not be superseded;

AND WHEREAS the President, Town Municipal Council, Navalgund, has stated in his letter dated the 17th September 1965, that the members are not meeting when the meeting is called and that the members of the Municipal Council have no objection if the said Town Municipal Council is superseded;

AND WHEREAS in the opinion of the State Government, the said Navalgund Town Municipal Council is not competent to perform, and persistently makes default in the performance of, the duties imposed on it by or under the Mysore Municipalities Act, 1964;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 316 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), the Government of Mysore hereby declares, for the reasons indicated in the statement of reasons annexed hereto, the said Navalgund Town Municipal Council to be incompetent and in default and supersedes it for a period of six months from the first day of November 1965.

For purposes of Clause (i) of sub-section (2) of the said Section the first day of November 1965 shall be the specified date.

The Government of Mysore also appoints the Tahsildar, Navalgund Taluk, to exercise the powers and perform the duties of the said Navalgund Town Municipal Council during the period of supersession.

ANNEXURE.

Statement of reasons.

(i) The Municipal Council has failed to take decisions, and implement them, on vital matters like supply of drinking water to the Town, construction of gutters, metalling of road, maintenance of burial grounds and removal of encroachments as is clear from proceedings of the General Body meetings held on 26th May 1964, 4th June 1964 and 25th January 1964. It also failed to take further action on the estimate for Rs. 9,270 prepared in 1958 to implement the drainage scheme, and dropped the acquisition of certain properties for the purpose of widening an important road without assigning any reasons. This has resulted in failure to discharge the obligatory and discretionary functions as per Section 54 to 56 of the Bombay District Municipal Act, 1901.

(ii) The recovery of municipal dues during 1961-62, 1962-63, 1963-64 and 1964-65 was very low, the percentage being 51 per cent, 28 per cent, 31 per cent and 12 per cent respectively. This revealed the inaction on the part of the Municipality for prompt recovery of municipal dues by

recourse, if necessary, to the procedure prescribed under Chapter VIII of the Bombay District Municipal Act.

(iii) All the controlling Committees formed under Chapter III (2) of the Act have failed to perform their functions in-as-much as they have not even met more than a dozen tiines in the course of last 3½ years, although according to the Rules 63 (m), these Committees are required to meet every week.

(iv) The differences among the Councillors have been carried to such an extent that ordinary communications from the Chairman of the Controlling Committee to Municipal President and Vice-President are required to be done either through registered post or through peons under regular acknowledgment which is contrary to general principles of economy in a public institution like the Municipality.

(v) The Municipality has failed to undertake essential current repairs of the stone bund, wooden walls and feeding channels of the Neelamma tank which is the main source of drinking water supply of the town, thus endangering the safety of the tank unless costly repairs are undertaken immediately.

(vi) During the period of acute scarcity of drinking water during 1963-64, the Municipality failed to take quick decision and effective steps in the meetings held on 26th May 1964 and 4th June 1964, with the result that the Deputy Commissioner, Dharwar, had to invoke the provisions of Section 175 of the Bombay District Municipal Act, 1901, and authorise the Assistant Commissioner, Dharwar Division to arrange for adequate supply of drinking water to the residents of the Municipal District.

(vii) The Municipality has failed to metal any part of the roads, and to take up any scheme like surface or underground drainage for providing modern civic amenities for preservation and promotion of public health.

(viii) Many encroachments were detected by the Maintenance Surveyor, and brought to the notice of the Municipality. But no records of these encroachments have been maintained by the Municipality nor effective steps

taken for their removal. Thus, it showed gross negligence in the discharge of an obligatory duty imposed on it under Section 54 (1) (f) of the Bombay District Municipal Act, 1901 read with Section 87 (f) of the Mysore Municipalities Act, 1964.

(ix) The Municipality has failed to provide common amenities like waiting sheds and drinking water supply in Hindu and Mahammadan burial grounds despite repealed suggestions, in that regard, from the inspecting officers.

(x) The Chairman of the Executive Committees have persistently failed to obtain the approval of the Committees before passing bills for payment or when such bills are paid in anticipation of the approval of the Committees soon after such payment as required under the Municipal Rule 68.

(xi) The Municipality has failed to utilise the Town Development grant of Rs. 5,000 as per the Deputy Commissioner's order No. MUN BGT 881-882 of 31st March 1964, for construction of latrines.

(xii) The Municipality has failed to utilise the balance of 238 bags from out of 360 bags of cement purchased during June 1963, or arrange for their safe storage with the result that the cement is reported to have become hard and perhaps useless.

(xiii) The Municipality failed to effect payment of essential bills on account of pay of staff, electricity charges for November 1964, etc. This would have led to serious consequences for averting which the Deputy Commissioner had to invoke the powers under Section 175 of the Bombay District Municipal Act, and pass appropriate orders in the matter as per his No. MUN. SR. 4692 of 24th December 1964.

(xiv) The Municipality failed to consider and pass the budget for 1964-65, in the meeting held on 1st April 1964 in contravention of Municipal Rule 140 (a) in this behalf.

[No. PLM 37 TAO 65.]

By Order and in the name of the Governor of Mysore,

L. A. DHAMANIGI, *Deputy Secretary.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.